

<b>RESPONSE</b>	Application #	10/752,095
	Confirmation #	2329
	Filing Date	January 7, 2004
	First Inventor	CHAM
	Art Unit	1623
	Examiner	Peselev, Elli
	Docket #	P07389US01/BAS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R:

In response to the Office Action dated October 30, 2006, Applicant submits the following response.

Claims 24-63 are pending, but rejected on prior art grounds. Applicant respectfully requests that the rejection to the claims be reconsidered and that all pending claims be found allowable based on the discussion which follows.

Claims 24-29, 33-39, 43-50 and 54-60 were rejected under 35 U.S.C. § 102(b) as being anticipated by Guerrero (U.S. Patent No. 3,960,839) (hereinafter "Guerrero"); claims 24-63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Guerrero in combination with Cham et al. (Cancer Letters, 55 (1990) 221-225); claims 40, 41, 61 and 62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Guerrero and Cham in view of Gatti et al. (U.S. Patent No. 5,124,318); and claims 30, 31, 51 and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Guerrero in view of Daniels et al. (U.S. Patent No. 4,053,591) (hereinafter "Daniels").

Contrary to the rejection of the claims as being anticipated by Guerrero or being obvious from Guerrero in view of various combinations of Cham, Gatti and Daniels, Applicant respectfully submits that all rejections of the pending claims are contingent on

an unsupported and erroneous contention that Guerrero inherently discloses the removal of free sugars. However, nowhere in Guerrero is there any teaching or disclosure of a method which removes free sugar. The disclosure of Guerrero merely teaches a separation of "impurities" from an alcoholic solution of solasodine glycosides by increasing or decreasing the volume of water to induce precipitation.

Nowhere does Guerrero teach or suggest any process or method which would remove free sugars, which are the degradation products of a glycoalkaloid, as claimed. To the contrary, Guerrero separates "impurities" from an alcoholic solution of solasodine glycosides by increasing or decreasing the volume of water to induce precipitation. Free sugars are highly water soluble and thus will remain in solution with the solasodine glycoalkaloid. Guerrero states that the precipitate "consists almost entirely of impurities." This is not the same as saying that all impurities are contained in the precipitate. In other words, although the precipitate is composed almost entirely of impurities, the alcoholic solution will include additional soluble impurities. Accordingly, the solution will contain both free sugars and solasodine glycoalkaloid.

Guerrero then teaches recovery of the glycosides of solasodine by alkalization (thereby inducing precipitation). Referring to page 10 and to Example 1 of the specification of the present application, the glycoalkaloids of the present invention are also precipitated by raising the pH of the solution (alkalization), then the free sugars removed from the precipitate by washing. That is, the act of alkalization does not effect removal of essentially all free sugars from the glycoalkaloids of the solution.

Moreover, the subsequent steps in the Guerrero method provide evidence that removal of free sugars from the glycoalkaloid is not important or contemplated. For

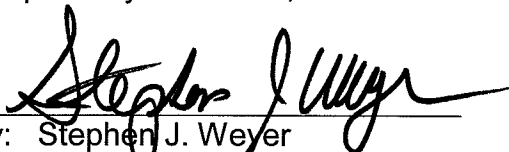
example, in Guerrero, once the solasodine glycoalkaloid is "recovered," it is hydrolyzed to produce solasodine and free sugars. It would make little sense and, in fact, would be contrary to the clear disclosure to remove the free sugars immediately prior to a step that was to generate further free sugars.

Based on the foregoing, Applicant respectfully submits that claims 24-63 are not anticipated by or made obvious by Guerrero, individually or in combination with, Cham or Daniels.

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance.

Respectfully submitted,

Date: January 23, 2007

  
By: Stephen J. Weyer  
Registration No.: 43,259

**STITES & HARBISON PLC** ♦ 1199 North Fairfax St. ♦ Suite 900 ♦ Alexandria, VA 22314  
TEL: 703-739-4900 ♦ FAX: 703-739-9577 ♦ CUSTOMER No. 000881